

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES)
)
v.) NO. 13-4892(L)
)
DAVID MORGAN)

MOTION FOR EXTENSION OF TIME TO FILE BRIEF

COMES NOW the appellant, DAVID MORGAN, by Counsel, and moves this Court for an extension of time to file appellant's opening brief. In support of this Motion, counsel for the Appellant states as follows:

1. On June 25, 2014 counsel filed a Motion for Extension to file the Appellant's opening Brief and Appendix, as counsel had been unable to speak with Appellant for the reasons cited in the First Motion for an Extension.
2. Since the filing of the First Motion for Extension and the Court's Order granting this request, undersigned counsel has repeatedly contacted Beaumont USP and the counselor assigned to the Appellant to request a telephone conference with Appellant to discuss the appeal. As of the filing of this motion, undersigned counsel has not received a response to her request to schedule the telephone conference. Additionally, counsel has utilized Corrilinks to send an email to Appellant but has not received a response since Appellant was transferred to the new facility.
3. As previously set forth in the First Motion for an Extension, this case involves an Appellant who has pled guilty with a plea agreement that provided for a waiver of the direct appeal rights and an Appellant who received a sentence in below the advisory guidelines. It is still necessary and essential to competent

representation for undersigned counsel to again speak with Appellant to discuss the appeal and the potential ramifications should the appeal proceed in light of the terms of the waiver of the direct appeal and the sentence received.

1. Additionally, Counsel for Appellant Hewitt, Abram Pafford, Esq., has no objection to this request.
2. For these reasons, Undersigned Counsel requests a second extension for the filing of Appellant's consolidated brief, and requests that said extension be for 60 days.
3. Counsel has spoken with AUSA Zachary Lee and he has no objection to this request for an extension.

Respectfully Submitted,
DAVID MORGAN
By/s/ Rhonda L. Overstreet
Of Counsel

Rhonda L. Overstreet, Esq.
VSB #35717
Overstreet Sloan, PLLC
806 East Main Street, Suite 101
Bedford, Virginia 24523
540-597-1024 telephone
540-491-2500 facsimile
Counsel for the Appellant DAVID MORGAN

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July 2014 I electronically file the foregoing Motion for an Extension to File Appellant's Brief and Appendix with the Clerk of Court using the CM/ECF System, which will send notification of this Motion to Mr. Zachary Lee, Assistant United States Attorney, Mr. Abram Pafford, Esq., counsel for Murace Hewitt and Mr. Charles Henter, Esq., counsel for Antoinette Hodge.

/s/ Rhonda L. Overstreet